

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	09/980,694	RADELET, CHRISTIAN
	Examiner	Art Unit
	Angel R. Estrada	2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiat of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to Amendment After Final filed on.
2.  The allowed claim(s) is/are 1-23 and 25-27.
3.  The drawings filed on 14 November 2003 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

5.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a)  The translation of the foreign language provisional application has been received.
6.  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was include in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements note below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No. \_\_\_\_\_.
  - (b)  including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

<input type="checkbox"/> Notice of References Cited (PTO-892)	<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	<input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.
<input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____	<input type="checkbox"/> Examiner's Amendment/Comment
<input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material	<input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance
	<input type="checkbox"/> Other _____.

## DETAILED ACTION

### ***Allowable Subject Matter***

1. Claims 1-23 and 25 are allowed.

The following is an examiner's statement of reasons for allowance: The primary reasons for the indication of the allowability of claims 1-23 and 25 are:

Regarding claims 1-9, 11-15, 19-22, 26 and 27 is the inclusion therein in combination as currently claimed of the limitation of a pivotal interconnection of the second part of the toggle mechanism to the first part of the toggle clamp mechanism has a rotational midpoint spaced further from an engagement point of the toggle clamp mechanism with the face of one of the closure members that on either side of the rotational midpoint.

Regarding claim 10 is the inclusion therein in combination as currently claimed of the limitation of said body portion of the second part of the toggle clamp mechanism has a face extending generally transversely of the operating tab and/or lever and serving as a release member against which is applied a force to release the toggle clamp mechanism from the clamped position.

Regarding claims 16-18 is the inclusion therein in combination as currently claimed of the limitation of said at least one resilient element is relatively displaceable with respect to an adjacent one of the closure members so as to reduce the effective dimensions of the openings through which the first part of the toggle clamp mechanism passes whereby to obstruct withdrawal thereof.

Regarding claim 23 is the inclusion therein in combination as currently claimed of the limitation of the first part of the toggle clamp mechanism comprises an elongated rod having a T-shaped end.

Regarding claim 25 is the inclusion therein in combination as currently claimed of the limitation of a toggle mechanism wherein the clamp does not project beyond an outline defined by the closure members in the closed position or the release position.

These limitations are found in claims 1-23 and 25, and are neither disclosed nor taught by the prior art of record, alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

2. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

January 9, 2003

*Dean A. Reichard 1/9/04*  
DEAN A. REICHARD  
SUPERVISORY PATENT EXAMINER  
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